

FILED

MAY 18 2021

RICHARD M. MAGEL, CLERK OF COURT
COLUMBUS, OHIO

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
Eastern DIVISION

Samuel J. Dean

(Enter Above the Name of the Plaintiff in this Action)

vs.

Eric M. Schooley

(Enter above the name of the Defendant in this Action)

If there are additional Defendants, please list them:

Madison County Municipal Court

2 2 1 C V 2 5 8 2

Judge Sargus

MAGISTRATE JUDGE JOLSON

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Samuel J. Dean

Name - Full Name Please - PRINT

9500 State Route 736

Street Address

Plain City, OH 43064

City, State and Zip Code

614-286-0921

Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Eric M. Schooley
Name - Full Name Please
55 North Oak Street, London, OH 43140
Address: Street, City, State and Zip Code
2. Madison County Municipal Court
55 North Oak Street, London, OH 43140
3. _____
4. _____
5. _____
6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

- ☐ Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]
- ☐ Title 28 U.S.C. § 1331
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]
- ☐ Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- ☒ Title 42 United States Code, Section 12131-12134
[Other federal statute giving the court subject matter jurisdiction.]

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

See enclosed complaint

1 Samuel J. Dean, Plaintiff
2 9500 State Route 736
3 Plain City, Ohio 43064
4 614-286-0921

5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF OHIO**

7 SAMUEL J. DEAN
8 PLAINTIFF

9 v.

CASE NO. _____

10 ERIC M. SCHOOLEY AND MADISON
11 COUNTY MUNICIPAL COURT
12 DEFENDANT

13 **COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**
14 **UNDER AMERICANS WITH DISABILITIES ACT**

15 Plaintiff Samuel J. Dean sues the defendant ERIC M. SCHOOLEY AND MADISON
16 COUNTY MUNICIPAL COURT for declaratory and injunctive relief under Title II of the
17 Americans with Disabilities Act and alleges the following:

18 **JURISDICTION AND VENUE**

19 The plaintiff Samuel J. Dean brings this action to enforce Title II of the Americans
20 with Disabilities Act ("ADA"), 42 U.S.C. §§12131-12134, against the defendant ERIC M.
21 SCHOOLEY AND MADISON COUNTY MUNICIPAL COURT.

22 Defendant is a public accommodation subject to the provisions of Title II of the
23 Americans with Disabilities Act of 1990 and as amended in 2008.

24 This Court has jurisdiction over this action under 42 U.S.C. §§12131-12134 and 28
25 U.S.C. §§1331 and 1345. This Court has authority to grant a declaratory judgment pursuant
26 to 28 U.S.C. §§2201 and 2202 and authority to grant equitable relief, monetary damages,
27 and civil penalties under 42 U.S.C. §§12131-12134.
28

1 Venue is proper in the District of Ohio pursuant to 28 U.S.C. § 1391(b)(2) because
2 Plaintiff resides in this District and a substantial part of the events or omissions giving rise to
3 the claims occurred in this District.

4 **PARTIES**

5 Plaintiff Samuel J. Dean resides in Plain City, Ohio and is an individual with a
6 disability within the meaning of Title II of the ADA. The plaintiff has a physical or mental
7 disability or impairment that substantially limits one or more major life activities set forth in
8 28 CFR 35.104.

9 Defendant ERIC M. SCHOOLEY AND MADISON COUNTY MUNICIPAL COURT is a
10 public entity that employs fifty or more persons with its physical place of business in
11 Madison County Ohio. Defendant has control over and is responsible for operations at this
12 public accommodation.

13 **PLAIN STATEMENT**

14 The defendant discriminated against the plaintiff who had expressed that he has a
15 record of, and is regarded as, having disabilities that impair his from engaging in one ore
16 more major life activities. Defendant's conduct and failure to provide reasonable
17 accommodations is in violation of Title II of the Americans with Disabilities Act (ADA).

18 **STATEMENTS OF FACT**

19 Notice is hereby given to the court that the plaintiff is a person with a disability that is
20 impaired from engaging in one or more major life activities, that is aggravated by submitting
21 to certain mitigating measures offered by the court. The plaintiff is not required to accept
22 any certain mitigation measure and requests reasonable modifications unless the court can
23 establish that such modifications create an undue burden or fundamentally alter the function
24 of the court, or that the plaintiff is a direct threat to anyone.

25 An arraignment was held on the date of March 31st, 2021 in which the plaintiff
26 expressed his disability or impairment in understanding the accusations made against her;
27 however, the court retaliated by acting in his behalf and entering a plea without his consent
28 and without providing aid, encouragement or any reasonable modifications to help his
understand the nature of the accusations.

1 The plaintiff has attempted to obtain reasonable modifications for mitigation of equal
2 access to the court throughout the month of April and the court has no facility or
3 responsible, designated or trained employee who is able or willing to assist the plaintiff with
4 making reasonable modifications for the purpose of gaining equal access to the court.

5 The plaintiff requested a private, *ex parte* administrative hearing with a designated
6 and responsible individual who is qualified to assist the plaintiff in making reasonable
7 modifications according not the requirements of Title II of the Americans with Disabilities
8 Act.

9 Such discrimination persists notwithstanding the existence of readily available, well-
10 established, accommodations, that in fact would cost nothing to the defendant and for which
11 any costs are expected to be settled in the normal and usual costs of operating a public
12 facility.

13 The plaintiff has commenced this action based on reasonable cause to believe that
14 Defendant is engaged in a pattern or practice of discrimination and that the plaintiff has
15 been discriminated against and that such discrimination raises issues of general public
16 importance. 42 U.S.C. § 12188(b)(1)(B). The plaintiff seeks declaratory and injunctive relief,
17 monetary damages, and civil penalties against Defendant.

18 **ALLEGATIONS OF VIOLATIONS OF TITLE II OF**
19 **THE AMERICANS WITH DISABILITIES ACT**

20 The allegations contained in the preceding paragraphs are incorporated by
21 reference.

22 Title II, subtitle A, of the ADA prohibits discrimination on the basis of disability in all
23 services, programs, and activities provided to the public by State and local governments.

24 The defendant is a state or local government entity or public accommodation that has
25 discriminated against the plaintiff on the basis of disability in all services, programs, and
26 activities provided to the public.

27 Defendant has failed or refused to take the necessary steps to ensure that the
28 plaintiff was not excluded, denied services, segregated, or otherwise treated differently
because of the absence of auxiliary aids and services.

1 The defendant utilized standards or criteria or methods of administration that have
2 the effect of discriminating on the basis of disability, or perpetuating the discrimination of the
3 plaintiff when reasonable accommodations were within its administrative control.

4 The plaintiff is a victim of defendant's discriminatory conduct or actions and is an
5 aggrieved persons within the meaning of 42 U.S.C. §§12131-12134.

6 The defendant has failed to adopt and publish grievance procedures providing for
7 prompt and equitable resolution of complaints alleging any action that would be prohibited
8 by Part 35.107 of Title 28 of the Code of Federal Regulations.

9 As a result of Defendant's actions and/or omissions the plaintiff has experienced
10 frustration, public humiliation, retaliation, intimidation, the threat of arrest and incarceration,
11 additional burden, and marginalization; and has been denied services, segregated, or
12 otherwise treated differently because of the absence of auxiliary aids and services.

13 In addition to unlawfully denying the plaintiff the same and equal access to the
14 services, the defendant retaliated against the plaintiff by:

15 • failing or refusing to make reasonable modifications to accommodate the plaintiff's
16 communications disability and other disabilities relating to respiration and language barriers
17 that preclude or impair the plaintiff from understanding the terms used by the defendant and
18 its employees; and,

19 • requiring that the plaintiff pay for modifications, including but not limited to a copy of
20 the record; and,

21 • ignoring the plaintiff's efforts to express his disabilities and requests for reasonable
22 modifications and retaliating against the plaintiff by intimidating and coercing the plaintiff,
23 demanding that the plaintiff explain his disabilities in a public forum and then demanding he
24 submits to the medical interventions and examinations and other health control measures
25 that further exacerbate his ability to engage in major life activities; and,

26 • threatening the plaintiff with being falsely cited, arrested or incarcerated for
27 unrelated crimes such as trespass or disorderly conduct while plaintiff was exercising
28 exercising and enjoying his rights under the ADA which is a protected activity under 42
U.S.C. §12203 and 28 CFR Part 35.134(a) and (b); and,

1 • allowing other employees the attack, threaten or verbally ridicule and abuse the
2 plaintiff while plaintiff was exercising exercising and enjoying his rights under the ADA
3 which is a protected activity under 42 U.S.C. §12203 and 28 CFR Part 35.134(a) and (b);
4 and; and,

5 • threaten the plaintiff with public humiliation and exclusion because of his disability
6 while plaintiff was exercising exercising and enjoying his rights under the ADA which is a
7 protected activity under 42 U.S.C. §12203 and 28 CFR Part 35.134(a) and (b); and,

8 Furthermore, the defendant expresses the attitude toward the plaintiff as if the
9 plaintiff is a direct threat to others, yet has never complied with the individual assessment
10 criteria, to wit:

11 28 CFR Part 35.104:

12 “(b) In determining whether an individual poses a direct threat to the health or
13 safety of others,

14 a public accommodation must make an individualized assessment,
15 based on reasonable judgment that relies on current medical knowledge or on
16 the best available objective evidence,

17 to ascertain: The nature, duration, and severity of the risk;

18 the probability that the potential injury will actually occur;

19 and whether reasonable modifications of policies, practices, or procedures or
20 the provision of auxiliary aids or services will mitigate the risk.”

21 By the conduct set forth in the preceding paragraphs, there is reasonable cause to
22 believe that Defendant has:

23 Engaged in a pattern or practice of discrimination, in violation of 42 U.S.C. §§12131-
24 12134; and,

25 Discriminated against the plaintiff and other individuals with disabilities, and such
26 discrimination raises an issue of general public importance, in violation of 42 U.S.C.
27 §§12131-12134; and,

28 Defendant has failed to comply with 28 CFR Part 35.105 and make any evaluation of
its services, policies or practices or make any modifications; and,

Defendant has failed to make available to applicants, participants, beneficiaries, and
other interested persons such as the plaintiff, information regarding the provisions of 28

1 CFR Part 35.106 and its applicability to the services, programs, or activities of the
2 defendant, and make such information available to the plaintiff in such manner as the head
3 of the defendant finds necessary to apprise the plaintiff of the protections against
4 discrimination assured his by the Americans with Disabilities Act Act and this part (28 CFR
5 35.106).

6 Plaintiff demands a jury trial.

7 **WHEREFORE**, Plaintiff demands judgment against the defendant and that the court
8 declare that Defendant's discriminatory actions and/or omissions as set forth in this
9 Complaint violate Title II of the Americans with Disabilities Act; and,

10 An order enjoining the defendant, along with its officers, agents, and employees, and
11 all others in active concert or participation with them, from:

12 Engaging in discriminatory acts and/or omissions against individuals with disabilities;

13 And an order enjoining the defendant from implementing practices and policies in a
14 manner that is inaccessible to individuals with disabilities within the meaning of Title II of the
15 Americans with Disabilities Act;

16 And ordering defendant to:

17 Comply with the requirements of Title II of the Americans with Disabilities Act;

18 Provide appropriate auxiliary aids and services; modify policies, practices, and
19 procedures; and/or require alternative methods to ensure the accessibility of its premises
20 and services to individuals with disabilities as required under Title II of the Americans with
21 Disabilities Act;

22 Take such affirmative steps as may be necessary to restore, as nearly as practicable,
23 each identifiable victim of the Defendant's discriminatory conduct to the position that he or
24 he would have been in, but for the Defendant's conduct; and,

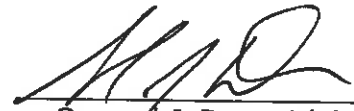
25 Take such affirmative steps as may be necessary to prevent the recurrence of any
26 discriminatory conduct and to eliminate, to the extent practicable, the effects of such
27 conduct; and,
28

1 Award monetary damages to the plaintiff, in an appropriate amount for injuries
2 suffered as the result of Defendant's failure to comply with the requirements of Title II of the
3 Americans with Disabilities Act;

4 Assess a civil penalty against the defendant in an amount authorized by Title II of the
5 Americans with Disabilities Act to vindicate the public interest; and,

6 Order such other relief as the interests of justice may require.

7 DATED this 17 day of May 2021.



Samuel J. Dean, Plaintiff

1 Samuel J. Dean, Plaintiff
2 9500 State Route 736
3 Plain City, Ohio 43064
4 614-286-0921

5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF OHIO**

7 SAMUEL J. DEAN
8 PLAINTIFF

9 v.

CASE NO. _____

10 ERIC M. SCHOOLEY AND MADISON
11 COUNTY MUNICIPAL COURT
12 DEFENDANT

13 **AFFIDAVIT IN SUPPORT OF COMPLAINT**

14 STATE OF OHIO)
15) SS
16 COUNTY OF MADISON)

17 I, Samuel J. Dean, do hereby solemnly affirm that the statements herein are true and
18 correct in substance and in fact and that I have personal knowledge of each.

19 During the pre-trial hearing on May 3, 2021 at the Madison County Municipal Court
20 for cases CRB2100236A&B I made the following statements and requests. Shannon
21 Treynor, court appointed attorney withdrew her representation of me at my request. I stated
22 that I did not trust her as I had requested documentation from her and was not receiving
23 responses.

24 I opened my statements by requesting to meet with the Madison County Court
25 representative for the ADA under Title II. I then read the following statement: "I have a
26 physical or mental impairment that substantially limits one or more of the major life
27 activities." Judge Eric M. Schooley responded that the court didn't have one but that he
28 might be able to find one from the Ohio Supreme Court. Judge Schooley then insisted that I
prove my disability. I responded that I would not discuss my disability. Judge Schooley then
claimed that I clearly did not have a disability because I could understand everything he was
saying and that I was responding as if I did understand. I informed him that I was having
trouble hearing him and I would appreciate that he would not continue talking while I was
trying to take notes. These kinds of comments continued for a short while. These
statements were made in a room with 25-30 strangers, many of whom were awaiting their
pre-trial hearing.

1 I then asked about evidence that I had requested from the prosecutor. The assistant
 2 prosecutor present, Rachel M. Price, claimed that their office had not received that request.
 3 I responded that I had faxed it in, confirmed that the fax was received and had received the
 4 documents that were available, but not the videos or recordings. Judge Schooley insisted
 5 on me telling him the name of the person in the prosecutor's office with whom I had spoken
 6 and the telephone number that I had faxed it to. I informed him that I did not have that
 7 information, but that the Prosecutor responded so it must have had the request. He
 8 proceeded to tell me that since I had chosen to defend myself that I needed to get the Court
 9 handbook and learn how to submit requests properly.

10 I asked how the court would handle requests for subpoenaing for the trial. I asked if
 11 the court would offer submitting the names to it and the court would serve the subpoenas.
 12 Judge Schooley told that me that I would have to learn how to do that since I was going to
 13 represent myself.


14 I finished with asking about having the court open to anyone and not closed. Judge
 15 Schooley laughed and stated that any court in the State of Ohio was a court of record. That
 16 the changes made for COVID would not change. He recommended that I contact Mr. Chris
 17 Cook, Madison County Director of Health, if I had any questions. He then added that I could
 18 contact Governor DeWine, too.

19 As of May 5th 2021, I have had difficulty getting copies of the audio recordings of the
 20 pre-trial hearing from the court.

21 
 22 Samuel J. Dean, Affiant

23 STATE OF OHIO)
 24) Union) SS
 25 COUNTY OF MADISON)

26 Subscribed and Sworn to before me a notary public this 17th day of May, 2021.

27 
 28 Signature of Notary



[Is]